

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION: 04-CV-11069-JLT

ABRAHAM PHILIP, MD

Plaintiff,

vs.

JOHN CRONIN, in his personal
capacity.

Defendant.

PLAINTIFF'S ASSENTED-TO MOTION
TO ENLARGE THE PERIOD
FOR DISCOVERY BY SIXTY DAYS

The plaintiff, with the agreement of the defendant, moves that the court enlarge the period of discovery in this case by sixty days. As reasons therefore:

1. The parties had arranged for depositions to be taken during the week of February 28, 2005. Those depositions were canceled due to (A) a winter storm and (B) cardiac surgery on plaintiff's counsel, Dan Sharp, on March 4, 2005. (Plaintiff's co-counsel is Sharp's spouse, so she wasn't available either.)

2. Plaintiff's attorneys are conducting a "first out" state court trial beginning on March 14, 2005. (*Purchase v. LMC Amusements*, Essex County Docket No: 0-2216-A.)

3. Plaintiff's attorneys are scheduled to begin another state court trial on March 21, 2005, although that trial may not

go forward on that date.

4. A number of the fact witness deponents in this case are physicians, whose time will be difficult to schedule. (The court allowed a motion to depose those witnesses on February 28, 2005.)

5. The scheduling order was not entered in this case until November 2, 2004. This left but five months for discovery.

6. Plaintiff's counsel are members of a two-person law firm, so long trials commit their entire resources. Plaintiff's counsel have conducted several trials during this period, one of which alone consumed seven weeks of the discovery period (five weeks for trial and two weeks for preparation.)

7. Counsel are working cooperatively in discovery. There is no dilatory purpose in filing this motion. No party will be prejudiced by granting the requested relief.

RELIEF REQUESTED

WHEREFORE, the plaintiff, with the assent of the defendant, requests that the schedule for discovery in this case be extended by 60 days.

Respectfully Submitted,

/s/ Daniel S. Sharp

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Certificate of Service

Daniel S. Sharp certifies that a copy of the document above was served by U.S. Mail, first class, with postage affixed, on counsel for all opposing parties on Thursday, March 03, 2005 to:

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/s/ Daniel S. Sharp

Daniel S. Sharp